

Introduced by

Senators Olafson, Cook

Representatives Frantsvog, Keiser, Porter

1 | A BILL for an Act to amend and reenact ~~section~~sections 53-08-01 and 53-08-02 and  
2 | subsection 2 of section 53-08-03 of the North Dakota Century Code, relating to recreational  
3 | immunity.

4 | **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 | **SECTION 1. AMENDMENT.** Section 53-08-01 of the North Dakota Century Code is  
6 | amended and reenacted as follows:

7 | **53-08-01. Definitions.**

8 | In this chapter, unless the context or subject matter otherwise requires:

- 9 | 1. "Charge" means the amount of money asked in return for an invitation to enter or go  
10 | upon the land. "Charge" does not include vehicle, parking, shelter, or other similar fees  
11 | required by any public entity.
- 12 | 2. "Commercial purpose" means a deliberative decision of an owner to invite or permit  
13 | the use of the owner's property for normal business transactions, including the buying  
14 | and selling of goods and services. The term includes any decision of an owner to  
15 | invite members of the public onto the premises for recreational purposes as a means  
16 | of encouraging business transactions or directly improving the owner's commercial  
17 | activities other than through good will. "Commercial purpose" does not include the  
18 | operation of public lands by a public entity except any direct activity for which there is  
19 | a charge for goods or services.
- 20 | 3. "Land" includes all public and private land, roads, water, watercourses, and ways and  
21 | buildings, structures, and machinery or equipment thereon.
- 22 | ~~3.4.~~ "Owner" includes tenant, lessee, occupant, or person in control of the premises.
- 23 | ~~4.5.~~ "Recreational purposes" includes any activity engaged in for the purpose of exercise,  
24 | relaxation, pleasure, or education.

1       **SECTION 2. AMENDMENT.** Section 53-08-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **53-08-02. Duty of care of ~~landowner~~owner.**

4       1. Subject to the provisions of section 53-08-05, an owner of land owes no duty of care to  
5 keep the premises safe for entry or use by others for recreational purposes,  
6 ~~irrespective~~regardless of the location and nature of the recreational purposes and  
7 ~~whether the entry or use by others is for their own recreational purposes or related to is~~  
8 directly derived from the recreational purposes of other ~~parties~~persons. or to give any  
9 warning of a dangerous condition, use, structure, or activity on such premises to  
10 persons entering for such purposes.

11       2. This section does not apply to:

12       a. A person that enters land to provide goods or services at the request of, and at  
13       the direction or under the control of, an owner; or

14       b. An owner engaged in a for-profit business venture that directly or indirectly invites  
15       members of the public onto the premises for commercial purposes or during  
16       normal periods of commercial activity in which members of the public are invited.

17       **SECTION 3. AMENDMENT.** Subsection 2 of section 53-08-03 of the North Dakota Century  
18 Code is amended and reenacted as follows:

19       2. Confer upon such persons, ~~or any other person whose presence on the premises~~  
20 ~~arises out of~~is directly derived from those recreational purposes, the legal status of an  
21 invitee or licensee to whom a duty of care is owed other than a person that enters land  
22 to provide goods or services at the request of, and at the direction or under the control  
23 of, the owner; or